

Central Region Review



U.S. Army Environmental Center Central Regional Office Kansas City, Missouri



★ NOVEMBER 2000 ★

★ REGIONS VI & VII ★

The *CENTRAL REGION REVIEW* provides current information on significant federal and state legislative and regulatory developments in Federal Regions VI and VII. The *REVIEW* is prepared by Versar, Inc., in support of the Central Regional Environmental Office, to assist you in your compliance efforts. Current and past issues of this *REVIEW*, as well as regional updates and alerts, are available on the Internet at <http://aec.army.mil> under "Regional Offices." Please contact Diane Faile at 816-983-3444 or e-mail diane.m.faile@usace.army.mil if you have any questions or to be added to our mailing list.

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GENERAL INFORMATION

Army Worldwide Environmental and Energy Conference. This conference will be held **5-7 December 2000** in **Atlanta, Georgia**. Agenda topics include (1) Environmental Campaign Plan and the Operational Directive (outcome of the Senior Environmental Leadership Conference), (2) energy management, (3) installation topics such as ecosystem management, land use, Native Americans, compliance, outreach, relationships with regulators, and pollution prevention, and (4) sustainable range management (e.g., unexploded ordnance, integrated training area management). Conference information is available at <http://www.aweec2000.com/>. For additional conference information, please contact Keera Cleare, AEPI, at (404) 524-9364 or DSN 367-4142. For registration questions, please contact Amy Konopacky, Versar, at (703) 750-3000, ext. 380.

Rechargeable Battery Recycling Program. Rechargeable Battery Recycling Corporation (RBRC) is a nonprofit, public service organization created to promote the recycling of nickel-cadmium rechargeable batteries. For further information about this recycling program, please visit RBRC's web site at <http://www.rbrc.org/>. You can also contact their program coordinator, Marla Prince, at 770-992-1760.

Ceiling Tile Recycling. Armstrong World Industries, the world's largest manufacturer of acoustical ceilings, has announced a program that allows building owners to recycle their old ceiling tiles rather than disposing of them in

landfills. As part of the program, the company will pay the cost of shipping the old ceilings to its plant. The ceiling tiles do not need to be Armstrong products to qualify for the program. *For more information, please call 1-888-CEILINGS (1-888-234-5464).*

ASSISTANCE INFORMATION

U.S. Environmental Protection Agency (U.S. EPA) “Yellow Book.” A new revision of the U.S. EPA's Yellow Book: Guide to Environmental Enforcement and Compliance at Federal Facilities is available in hard copy and on the Internet. This guide is a one-stop reference to the myriad of environmental laws and executive orders that the environmental professional must understand. The book consists of an executive summary preface and sections such as (1) Identifying Federal Facilities and Tracking Federal Facility Compliance, (2) Environmental Statutes and Executive Orders (Including BRAC), (3) Monitoring Federal Facility Compliance, (4) Enforcement Response to Federal Facility Violations, and (5) Compliance Assistance, Training and Outreach. Appendices include (1) Key Executive Orders and (2) EPA/FFEO Compliance Assistance Tools for Federal Facilities. Hard copies of the book can be obtained by calling the U.S. EPA's Office of Federal Facility Enforcement at (202) 564-2461. The book has been assigned U.S. EPA publication number EPA 315-B-98-011. Copies also are available electronically from the Hazardous Technical Information Services web site at <http://www.dser.dla.mil/htis/htis.htm> or from U.S. EPA's EnviroSenSe server at <http://es.epa.gov/oeca/fedfac/yellowbk/index.html>.

U.S. EPA Memo, “Regulatory Status of Waste Generated by Contractors and Residents from Lead-based Paint Activities Conducted in Households.” In this policy statement dated 31 July 2000, the U.S. EPA allows contractor-generated lead-based paint (LBP) waste to be disposed of as household waste. Household waste is regular garbage or trash that is disposed of as municipal waste, and managed according to state and local requirements. Residents are already entitled to manage their own LBP waste in this manner. Extending this option to contractors simplifies abatement work and lowers its cost, which will allow more lead paint removal from more homes nationwide. A discussion of the memo is available at <http://www.epa.gov/lead/fslbp.htm>. At the bottom of this web page is a link to the memo itself: <http://www.epa.gov/lead/hhwmemo-july00fnl.pdf>.

Most Dursban Uses Cancelled. Chlorpyrifos, the active ingredient in Dursban and Lorsban, is an organophosphate pesticide used on more than 40 different agricultural crops, in homes and other non-agricultural settings as a termiticide, and in pet collars to kill ticks. Many of the uses of chlorpyrifos will now be cancelled as a result of an evaluation under the Food Quality Protection Act. The cancellation will be a gradual phase-in process with residential use being cancelled by the end of 2000. Detailed information on specific uses and authorized quantities can be found at <http://www.epa.gov/pesticides/op/chlorpyrifos/>.

Hazardous Waste Generator Handbook, 2000. The Kansas Department of Health and Environment (KDHE) Bureau of Waste Management has published this handbook on their web site at http://www.kdhe.state.ks.us/waste/apps-hw/HW_Gen_Hndbk_2000.pdf. The handbook is used by Kansas industries as a guide to determine whether a facility is subject to state and federal hazardous waste management statutes and regulations.

Missouri Department of Natural Resource's (MDNR) Technical Assistance Program (TAP)

Compliance Guidance Documents. TAP recently revised the Permit Guidance Document. The new guide, “Understanding Environmental Regulations and Permits,” is now available from the Information Services Unit. This document is a guide for businesses and other facilities to use when identifying permits they may need from MDNR's Division of Environmental Quality. Also incorporated in this guide are federal regulations and programs that are enforced primarily by the U.S. EPA. New topics include: Pesticides, Pollution Prevention, Risk Management Program, Toxic Substance Control Act, Toxic Release Inventory, Tier 2 Reporting, and Universal Waste. Another TAP publication, “Environmental Permits And How To Obtain Them,” outlines individual environmental permits, certifications, registrations, and licenses. It indicates the permit length, processing time, fees, and other permit specific issues. “Environmental Permits And How To Obtain Them” can be used in coordination with “Understanding Environmental Regulations and Permits” for detailed permit guidance information. *To receive either document, or for individual guidance, please call (573) 526-6627 or 1-800-361-4827.*

TRAINING INFORMATION

NIMA College's Defense Mapping School. NIMA is hosting 1000 on-line seats for ESRI Virtual Campus – free. The Virtual Campus offers self-paced geographic information systems (GIS) education and training via the

Internet. Courses include ArcView and ArcView's 3D Analyst, Network Analyst, Tracking Analyst: Intro to ArcInfo, Programming with Avenue, Visual Basic for ESRI, and more. Many of the courses are accredited. For more information, please visit the ESRI homepage at <http://campus.esri.com/acb/Directory/>. To register, see the NIMA homepage advertisement located at <http://osis.nima.mil/NIMC/curriculum/esri.html>. For questions, e-mail DMS_OPS@nima.mil.

Military Munitions Rule (MMR) Computer-Based Training (CBT). This course is designed for Army personnel who work with waste military munitions (WMM). This instruction advises when military munitions may become waste and includes specific methods to conduct WMM operations that will be consistent on all military installations. This course is only available in CD-ROM format, and it replaces MMR Phase I CBT. Copies of the CD for this training are available from the Defense Ammunition Center (DAC) through their web site at <http://www.dac.army.mil/as/produ.html>. For additional information, please contact Gail Ruffin, DAC, at (918) 8818 (DSN 956), or e-mail ruffin@dac-emh2.army.mil.

Air Quality Management Course. The Air Force Institute of Technology (AFIT) is offering a non-tuition, one-week course designed for air quality managers in all Defense Services. The course provides discussions of technical and regulatory issues including compliance, emission inventories and processes, sampling and analysis, permitting, pollution prevention and waste reduction strategy, control technology, National Emission Standards for Hazardous Air Pollutants (NESHAPs), conformity and risk management rules, and ozone-depleting compounds. Upcoming offerings are scheduled for **13-17 November 2000** and **4-8 June 2001**. Registration details, schedule updates and further course information is available on the AFIT web site at <http://cess.afit.af.mil/>. For further information, please contact Lawrence Webber at lawrence.webber@aec.apgea.army.mil or Susan Thomas at susan.thomas@aec.apgea.army.mil.

Sustainable Design and Development (SDD) Training. The U.S. Army Corps of Engineers (USACE) will present SDD workshops for USACE Districts and major Army command installation personnel. SDD incorporates the energy concerns of the 1970s with the new concerns. This includes damage to the natural environment, emissions of greenhouse gases and ozone-depleting chemicals, use of limited material resources, management of water as a limited resource, reductions in waste, indoor environmental quality, and occupant/worker health, productivity and satisfaction. Workshops are scheduled as follows:

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| • 14-16 November 2000 | Tulsa, Oklahoma |
| • 9-11 January 2001 | Kansas City, Missouri |
| • January – March 2001 | Albuquerque, New Mexico. |

For more information, please contact Jimmy Baggett at (817) 978-2054, ext. 1 for the Texas workshop; Kerry Ingram at (918) 669-7004 for the Oklahoma workshop; and John Bourdo at (816) 983-3236 for the Kansas workshop. A point of contact (POC) for the New Mexico workshop has not been determined. You may also contact one of the following POCs at USACE or OACSIM: Harry Goradia at (703) 428-6460 or e-mail harry.goradia@hq02.usace.army.mil; David Bohl at (202) 761-1497 or e-mail david.c.bohl@usace.army.mil; or John Scharl at (703) 428-7614 or e-mail scharja@hqda.army.mil.

Texas Natural Resources Conservation Commission (TNRCC) Permanent Pollution Prevention Planning Workshops. These workshops are being held **15 November 2000** and **13 December 2000** in Arlington, Texas. For more information, please call TNRCC at (512) 239-6326.

Hazardous Waste Management and Manifest Refresher Course. This workshop provides general awareness/familiarization and function-specific training pertaining to the requirements of U.S. Department of Transportation Hazardous Materials Regulations, including identification of proper shipping name; hazard class; and marking, labeling, packaging and placarding requirements. The intent is to fulfill the recurrent training requirements in 40 Code of Federal Regulations (CFR) 172, Subpart H. The course is listed as an approved U.S. Department of Defense (DoD) training course. The course is open to all federal agencies. Session dates are as follows:

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| • 15-16 November 2000 | Omaha, Nebraska |
| • 1-2 August 2001 | Omaha, Nebraska. |

To reserve a space in a workshop session or to obtain additional information, please contact Joy Rodriguez at (256) 895-7448. For information pertaining to the course, please contact Sandi Zebrowski at (402) 697-2562 or e-mail sandi.m.zebrowski@usace.army.mil.

Fall Technical Conference – Permitting and Compliance Issues for Louisiana. This conference, hosted by the Air & Waste Management Association, Louisiana Section, will be held **18 November 2000** in **Baton Rouge, Louisiana**. There will be two concurrent sessions: RECAP/Waste Issues and Air Regulatory Issues. For more information, please contact Liz Santa at liz_s@deg.state.la.us.

First Annual Birmingham GIS Conference & Tradeshow – Exploring the Current State of GIS. This conference, which will be held **27 November 2000** in **Birmingham, Louisiana**, is designed as a forum for the exchange of information relevant to all fields. The conference is for all contractors, vendors and educators in all GIS disciplines of business and government. For more information, please contact Brian Boyle, Director, at 1-800-414-9408, fax to (240) 248-8697, or e-mail GISconferences@pobox.com.

2000 U.S. Army Reserve Engineer Annual Training Workshop. This workshop, with its theme “Pride Through Excellence,” will be held **27 November – 1 December 2000** in **Atlanta, Georgia**. The workshop will feature presentations on the future direction of MILCON, Maintenance & Repair, and the Acquisition and Disposal of Real Estate. Representatives from the field will present success stories and initiatives on how to increase pride in the USAR Soldiers through facilities related to improvements. The audience will include representatives from industry, supporting U.S. Government organizations, and USAR Facilities Engineering personnel. For more information, please e-mail caktmc@aol.com.

U.S. EPA Region VII – Environmental Response Training Program (ERTP). U.S. EPA Region VII is offering the following upcoming environmental response training courses:

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| • Hazardous Materials Incident Response Operations | 4-8 December 2000 in Lee’s Summit, MO |
| • Air Monitoring for Hazardous Materials | 22-26 January 2001 in Columbia, MO |
| • Sampling for Hazardous Materials | 6-8 February 2001 in Des Moines, IA |
| • Introductory Preliminary Assessment Training | 13-14 February 2001 in Nebraska |
| • Introductory Site Inspection Training | 15-16 February 2001 in Nebraska |
| • Environmental Remediation Technologies | 27 February – 1 March 2001 in Des Moines, IA |
| • Risk Assessment Guidance for Superfund | 27-30 March 2001 |
| • Emergency Response to Hazardous Materials Incidents | 7-11 May 2001 |
| • Introduction to Groundwater Investigations | 19-21 June 2001 in Nebraska |
| • Hazardous Materials Incident Response Operations | 9-13 July 2001 |
| • Chemical Accident Prevention Auditing | 24-26 July 2001 in Des Moines, IA |
| • Sampling for Hazardous Materials | 21-23 August 2001 in Nebraska . |

ERTP course information is available at U.S. EPA’s Training Exchange web site at <http://www.trainex.org/>. To register for a class or for more information on the courses being offered, please contact Evelyn VanGoethem at (913) 551-7659, fax to (513) 251-4137, or e-mail vangoethem.evelyn@epa.gov. On-line registration is available at the Training Exchange’s web site.

U.S. EPA Military Munitions Rule Training. The Army Munitions Work Group, together with MACOM representatives, will bring MMR training to selected installations in Fiscal Year 2000 - 2001. This initiative is designed to provide participating Army staff with seminar style training on MMR implementation, combined with a hands-on, “no fault” MMR compliance staff assistance visit. It is recommended that individuals attending this training first complete the MMR CBT. This training is intended for ammo specialists, range operators, and environmental staff involved in the implementation of the MRR and the supporting DoD policy. Training is scheduled for, among other installations, **TRADOC/Fort Bliss** on **4-8 December 2001**. Additional installations are still to be selected. Please contact your MACOM MMR POC or Tim Alexander (Timothy.Alexander@aec.apgea.army.mil) for additional information.

Eleventh Annual International Workshop on Solvent Substitution and the Elimination of Toxic Substances and Emissions. This workshop is planned for **11-14 December 2000** in **Scottsdale, Arizona**. The workshop will provide (1) an assessment of solvent substitution techniques/technologies in the workplace and in

manufacturing processes, including a session on n-propyl bromide, (2) briefings on new and possibly conflicting regulatory requirements governing toxic emissions and the use of solvents in the workplace, (3) an update on the development of verifiable performance standards, (4) information on innovative techniques/technologies/solvents for coating application and removal, paint stripping, vapor degreasing, precision cleaning and manufacturing, (5) updates on new industry-specific NESHAPs and compliance with NESHAP regulations, (6) first-hand reports on in-field application/use of solvent substitutes and technologies and putting in place effective management processes, (7) progress report and assessment of initiatives to incorporate pollution prevention/solvent substitution requirements into the DoD and industry acquisition, procurement and supply chain, (8) an update and workshop on useful and free Internet tools to aid in decisionmaking, and (9) a review of technologies and techniques to determine "how clean is clean." There also will be a special 2000 Solvent Substitution Exhibit and Vendor Workshops. *For more information, please contact Exchange/Monitor Publications & Forums at (202) 296-2814, ext. 26, or fax to (202) 296-2805.*

Army's Defense Environmental Restoration Program (DERP) Workshop. The U.S. Army Environmental Center is hosting the Army's DERP 2000 Workshop in **New Orleans, Louisiana, on 12-14 December 2000**. The central theme, Cleanup – Restoring the Past, Protecting the Future, showcases the military's continued emphasis on sound environmental stewardship and improvement of the Restoration Program. U.S. Army, Navy, Air Force and DoD personnel, as well as members of other federal agencies, are invited to attend this unclassified workshop. Federal contractors, academia, and industry personnel are welcome to attend if giving a presentation of exhibiting technologies. The workshop web site is at <http://aec.army.mil/prod/usaec/er/derp2000/derp.html>. *For further information, please contact Ms. Clare at (703) 390-0654, fax to (703) 391-5876, or e-mail claret@temi.com.*

Pest Management DoD Certification for the U.S. Army. Pest management certification and recertification courses will be held at **Fort Sam Houston, Texas**, on the following dates:

Certification

8-19 January 2001

26 March – 13 April 2001

4 June – 22 June 2001

13-31 August 2001

Recertification

11-15 December 2001

29 January – 2 February 2001

26 February – 2 March 2001

23-27 July 2001

10-14 September 2001.

For more information, please contact SSG Kerry McKinley, Academy of Health Sciences, U.S. Army, at (210) 221-6801 (DSN 471), or e-mail kerrymckinley@amedd.army.mil.

AFIT Air Quality Management Course. There will be an additional offering of ENV531, Air Quality Management, from **5-9 February 2001**. Information about the course is available at http://cess.afit.af.mil/env_531/default.htm. *For more information, please contact Pam Young at DSN 785-5654, ext. 3587, or e-mail pamela.young@afit.af.mil.*

2001 DoD Recycling Workshop. This workshop, also referred to as the Combined Services Recycling Workshop, will be held **15-18 October 2001** in **Baltimore, Maryland**. The workshop will be held in conjunction with the Solid Waste Association of North America. Abstracts for the workshop must be submitted by 10 December 2000 to Nancy Carper, U.S. Air Force, by e-mailing nancy.carper@hqafcee.brooks.af.mil. She can be reached at DSN 240-4964. Conference information is available at <http://www.afcee.brooks.af.mil/eq/wastecon/wastecon.htm>.

CONFERENCES AND SEMINARS

Why "Waste" a Cool Planet: Municipal Solid Waste (MSW) Solutions for Global Climate Change.

The U.S. EPA Climate and Waste Program, in partnership with several national solid waste and governmental organizations, will broadcast a national, interactive satellite forum designed to help educate businesses and state and local governments about the relationship between solid waste management and climate change. *For more information or to download a copy of the Satellite Forum Coordinator's Kit and the Downlink Site Registration Form, visit the Climate Change and Waste web site at <http://www.epa.gov/mswclimate.htm> or send an e-mail to ccwsf@erg.com or fax to (703) 841-1440.*

DoD Environmental Cleanup Stakeholder Forum. This forum will be held in **St. Louis, Missouri, on 14-16 November 2000**. Over the last several years, DoD has made tremendous strides in DERP. This forum is to hear

from you on where DoD is and where it can go in the future. DoD wants to drive its cleanup program to completion – with remedies that have regulator concurrence and public acceptance.

National Environmental Innovations Symposium. The States, U.S. EPA and others will be gathering in **Kansas City, Missouri**, to discuss environmental innovations taking place throughout the country. On **5 December 2000**, the States will hold a hands-on workshop to discuss progress under the 1998 State/U.S. EPA Innovations Agreement. On **6-7 December 2000**, the U.S. EPA, in partnership with the States and the Council for Environmental Excellence in Government, will host the Symposium. This event, which will be open to all interested parties, will feature a variety of innovations taking place in State and U.S. EPA programs. The goal is to take stock of the lessons learned from these innovations and to encourage participants to apply what they learn in their own areas of responsibility. Conference information is available at <http://www.excelgov.org/neis/>. For additional information, please contact Ken Zarker at kzarker@tnrcc.state.tx.us.

U.S. EPA Region VI Pollution Prevention Conference. This conference will be held **16 January 2001** in **Dallas, Texas**. For further information, please contact Eli Martinez, U.S. EPA Region VI, at (214) 665-2119.

KDHE Household Hazardous Waste Conference. This conference will be held **31 January – 2 February 2001** in **Topeka, Kansas**. For more information, please contact Cathy Colglazier, KDHE, Bureau of Waste Management, at (785) 291-3510.

KDHE Recycling and Composting Works! Conference. This conference is being held **20-22 March 2001** in **Hays, Kansas**. The conference theme stresses the importance of partnerships. Training sessions will include beginner and advanced recycling and composting, business and industry waste reduction education, and multi-use site operator training to help workers efficiently operate sites with multiple activities including landfills, transfer stations, recycling, composting and household hazardous waste facilities. Tentative conference topics include construction and demolition material recycling, green building, partnering, regulatory issues (state solid waste plan, solid waste management plan updates, permits and grants), electronic recycling, and cooperative marketing (with actual regional break out sessions). Composting, wood utilization, recycling and reuse demonstrations also are planned. For more information, please contact Cathy Colglazier, KDHE, Bureau of Waste Management, at (785) 291-3510.

TNRCC Environmental Trade Fair and Conference. This conference is being held **30 April – 2 May 2001** in **Austin, Texas**. For further information, please contact TNRCC at (512) 239-3150.

FEDERAL ACTIONS

U.S. EPA FINAL RULES

Approval and Promulgation of Implementation Plans; State of Missouri; Designation of Areas for Air Quality Planning Purposes; Dent Township (65 Federal Register [FR] 62295; 18 October 2000).

U.S. EPA is announcing the redesignation of the lead nonattainment area in western Iron County, Missouri, to attainment of the National Ambient Air Quality Standards (NAAQSs). The agency is approving the maintenance plan for this area. The effective date of this rule is 18 December 2000. For more information, please contact Kim Johnson, U.S. EPA, at (913) 551-7975.

Approval and Promulgation of Implementation Plans; Arkansas Regulation 19 and 26 (65 FR 61103; 16 October 2000).

The U.S. EPA is approving the recodification of and revisions to the Arkansas State Implementation Plan (SIP). The Arkansas Department of Environmental Quality adopted revisions to Regulation 19 on 22 January 1999. The Governor of Arkansas submitted these revisions to the U.S. EPA on 5 March 1999. The U.S. EPA also incorporates into the Arkansas SIP portions of Arkansas' regulation for its Operating Permits Program (Regulation 26) which relate to the construction and modification of major sources. The U.S. EPA is approving revisions to Arkansas' program for the prevention of significant deterioration of air quality to replace the increments for total suspended particulates with increments for particulate matter less than 10 micrometers. In conjunction with this action, the agency is removing the total suspended particulate area designation tables in 40 CFR Part 81 for Arkansas. Finally, this rule recodifies, with minor revisions, several provisions of its current SIP into Chapters 1, 2, 3, 5, 6, 7 and 10. The effective date of this rule is 15 November 2000. For further information, please contact Stanley Spruiell, U.S. EPA, at (214) 665-7212.

OTHER U.S. EPA REGULATORY ACTIVITY

Notice of Data Availability on Arsenic in Drinking Water (65 FR 63027; 20 October 2000). U.S. EPA is requesting public comment until 20 November 2000 on new risk information on arsenic in drinking water. Since proposing new regulations for arsenic in drinking water on 22 June 2000, the agency has received this new risk information which it is considering during the development of the final regulation. *For more information, visit <http://www.epa.gov/safewater/ars/proposalsfs.html> or contact Irene Dooley, U.S. EPA, at (202) 260-9531 or e-mail dooley.irene@epa.gov.*

Adequacy Status of Submitted SIPs for Transportation Conformity Purposes: Dallas-Fort Worth (DFW) and Beaumont-Port Arthur (BPA) Attainment Demonstration SIPs for Ozone (65 FR 63074; 20 October 2000). The U.S. EPA is announcing that the motor vehicle emissions budgets contained in the submitted DFW and BPA Attainment Demonstration SIPs for ozone are adequate for transportation conformity purposes. As a result of this determination, budgets from the submitted attainment SIPs must be used for transportation conformity determinations in the DFW and BPA areas. *For further information, please contact Mr. J. Behnam, U.S. EPA, at (214) 665-7247.*

Ground Water Pesticide Management Rule; Notification to the Secretary of Agriculture (65 FR 57585; 25 September 2000). The U.S. EPA is notifying the public that it has forwarded to the Secretary of Agriculture a draft final rule under section 25(a) of the Federal Insecticide, Fungicide and Rodenticide Act. The draft final rule establishes a program whereby States and Tribes will develop and implement plans to manage the use of pesticides determined to leach to ground water. The rule also identifies four pesticides of concern to be managed under this program initially. The four pesticides can continue to be used if plans are developed that will ensure they do not leach to ground water at concentrations that may be harmful to human health and the environment. The rule designates the four chemicals as Restricted Use pesticides, which prohibits all outdoor use unless in accordance with a state- or tribe-developed and U.S. EPA-approved Pesticide Management Plan (PMP). If a PMP is not submitted or approval is not obtained by a date 36 months from the effective date of this rule, users in that State or Tribal land are prohibited from using the pesticide. *For further information, please contact Arthur Williams, U.S. EPA, at (703) 305-5239, or e-mail williams.arty@epa.gov.*

Notice of Intent to Develop Ambient Water Quality Criteria for Protection of Human Health – Arsenic, Methylmercury, and Carbofuran; Notice of Data Availability; Request for Data and Information (65 FR 60664; 12 October 2000). The U.S. EPA is notifying the public of its intent to revise the current, recommended human health water quality criterion for arsenic, and to develop recommended criteria for methylmercury and carbofuran. This notice does not establish a schedule for revision or development of the criteria. U.S. EPA expects to have a peer review draft of the methylmercury criterion on the Office of Water web page (<http://www.epa.gov/ost/humanhealth/>) in the fall of 2000. The arsenic criteria will parallel the development of the Safe Drinking Water Standard for arsenic. Carbofuran criteria development is on a one-year schedule. The U.S. EPA is requesting data and information related to this rulemaking, which must be submitted by 13 November 2000 for methylmercury and by 11 December 2000 for carbofuran and arsenic. *For more information, please contact Charles Abernathy, U.S. EPA at (202) 260-5374, or e-mail abernathy.charles@epa.gov.*

U.S. FISH AND WILDLIFE SERVICE (USFWS) REGULATORY ACTIVITY

Notice of Availability of a Technical/Agency Draft Revised Recovery Plan for the Red-Cockaded Woodpecker (*Picoides borealis*) for Review and Comment (65 FR 55269; 13 September 2000). USFWS announces the availability for public review of the technical/agency draft revised recovery plan for the red-cockaded woodpecker. This bird is endemic to the southeastern United States. The red-cockaded woodpecker is found on Camp Blanding (ARNG), Leesburg TS (ARNG), Fort Bragg (FORSCOM), Fort Polk (FORSCOM), Fort Stewart (FORSCOM), Sunny Point (MTMC), Fort Benning (TRADOC), Fort Gordon (TRADOC), and Fort Jackson (TRADOC). It is contiguous to Camp Beauregard (ARNG), Camp Shelby (ARNG) and Fort McClellan (TRADOC). Comments on the plan must be received by 13 November 2000. *For further information, please contact Ralph Costa at (864) 656-2432.*

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period, Notice of Public Hearings, and Clarification of Special Rule on Proposed Threatened Status for Chiricahua Leopard Frog (65 FR 58032; 27 September 2000). USFWS is giving notice that the comment period is reopened and

that public hearings are scheduled on the proposed rule to list the Chicicahua leopard frog as threatened with a special rule. The agency also is clarifying the extent of lands to which a proposed special rule for the frog would apply. The public hearings have been held. Comments will be accepted until 13 November 2000. The Chiricahua Leopard Frog occurs in central and southeastern Arizona and westcentral and southwestern New Mexico. The frog inhabits cienegas (wetland communities), pools, livestock tanks, lakes, reservoirs, streams and rivers at midlevel elevations. Listing could potentially impact White Sands Missile Range (ATEC), and Camp Navajo (ARNG) and Deming/OM-2 TS (ARNG). *For more information, please contact Jeffrey Humphrey at (602) 640-2720.*

REGION VI STATE ACTIVITY

Region VI State Agency Web Sites

Arkansas Department of Environmental Quality	http://www.adeq.state.ar.us/
Louisiana Department of Environmental Quality	http://www.deq.state.la.us/
New Mexico Environment Department	http://www.nmenv.state.nm.us/frhome.html
Oklahoma Department of Environmental Quality	http://www.deq.state.ok.us/
Texas Natural Resources Conservation Commission	http://www.tnrcc.state.tx.us/

ARKANSAS

Legislative/Regulatory Activity

There is no State of Arkansas regulatory activity to report.

LOUISIANA

Legislative/Regulatory Activity

STATE OF LOUISIANA FINAL RULES

Reclassification of Zinc as a Toxic Air Pollutant (Louisiana Administrative Code [LAC] 33:III.5107 and 5112). The Louisiana Department of Environmental Quality (LDEQ) has adopted a rulemaking to reclassify zinc and zinc compounds from a Class II Toxic Air Pollutant (suspected human carcinogen and known or suspected human reproductive toxin) to a Class III Toxic Air Pollutant (acute and chronic, non-carcinogenic toxin). The change is being made to make the regulations reflect current U.S. EPA toxicological studies. The amendment also adds a certification statement to the requirements for annual emission reports to attest that the information in the report is true, accurate and complete. The effective date of this rule was 20 September 2000. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

Phase II Stormwater Regulations (LAC 33:IX.Chapter 23). LDEQ has adopted rules to implement the Phase II stormwater requirements. The new rules expand the stormwater requirements to include small municipal separate storm sewer systems and construction sites that disturb one to five acres. The regulations also exclude from coverage industrial facilities that have no exposure of industrial activities or materials to stormwater. The effective date of this rule was 20 October 2000. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

Adoption of federal NESHAPs (LAC 33:III.5116 and 5122). LDEQ has incorporated by reference the federal NESHAP rules as they are in 40 CFR published 1 July 1999. The proposal also removed previous references to federal registers. The effective date of this rule was 20 October 2000. *For further information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

Adoption of Federal Regulated Flammable Substance List (LAC 33:III.5901). LDEQ has updated its incorporation by reference of federal air risk prevention regulations (40 CFR 68 through 1 July 1999, and 65 FR 13243). The update revises the list of regulated flammable substances to exclude those substances used as fuel or held for sale as fuel at a retail facility. The effective date of this rule was 20 October 2000. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

STATE OF LOUISIANA PROPOSED RULES

Air Quality Amendments (LAC 33:III.2131). This proposed rule will correct an omission in LAC 33:III.2131.D. to add St. Mary Parish to the list of parishes exempt from compliance with the requirements of LAC 33:III.2131.A for certain facilities. A public hearing will be held on 27 November 2000, and written comments must be received no later than 4 December 2000. *For more information, please contact Patsy Deaville, LDEQ, at (225) 765-0399.*

Adoption of Federal Hazardous Waste Manifesting Requirements (LAC 33:V.903, 905, 907, 913, 915, 917, 919, 1107, 1111, and Chapter 11.Appendix A). LDEQ is proposing a rulemaking to make the Louisiana hazardous waste manifesting regulations equivalent to federal requirements. The proposal will reduce submittal, processing, and storage of redundant information contained in the manifest. This proposal also will allow the facilities to comply with the equivalent federal regulations while retaining the cradle to grave concept for tracking hazardous waste activity. A public hearing has been held and the comment period is closed. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

Commercial Hazardous Waste Treatment, Storage and Disposal (TSD) Facilities (LAC 33:V.Chapter 4 and LAC 33:V.517 and 5111). LDEQ is proposing rulemaking regarding permits for new, commercial hazardous waste TSD facilities. The rule will establish criteria to assess the impact of the facility on the citizens in the surrounding area, the local infrastructure, and on the environment. A siting fee equaling five percent of the application fee is also established. A public hearing has been held and the comment period is closed. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

Adoption of Federal Domestic Wastewater Treatment Rules (LAC 33:IX.2313, 2331, 2361 and 2413). LDEQ is proposing to adopt federal revisions (published 4 August 1999) regarding National Pollutant Discharge Elimination System permit application requirements for publicly owned treatment works and other treatment works treating domestic sewage. The rule will amend permit application requirements and application forms. A public hearing has been held and the comment period is closed. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

Miscellaneous Solid Waste Revisions (LAC 33:VII). LDEQ is proposing several revisions to its solid waste regulations. The proposed revision will include infectious wastes in the rules and actions required for off-loading and trans-loading of solid wastes. A new chapter will be added to address litter abatement. The regulations in Chapter 101, Recycling Awareness, will be repealed because they are no longer applicable to the Department's solid waste program. The Department expects to finalize the proposal in November 2000. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

General Waste Tire Revisions (LAC 33:VII.Chapter 105). LDEQ is proposing revisions to rules governing the disposal of waste tires. The rules will clarify definitions, increase the marketing payments to waste tire processors from \$1.00 per 20 pounds of waste tire material to \$1.50, simplify the standards for generators, transporters, and recyclers, and implement a fee on off-road tires weighing more than 100 pounds. The Department expects to finalize the proposal by the end of the year 2000. The text of the rule can be found at <http://www.deq.state.la.us/planning/regs/addition/2000/swo29.pdf>. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

Counsel Comment: The proposals are still being revised based on comments received. The \$.50 increase is likely to remain after these late revisions. The proposals are more likely to be finalized in early 2001.

SIP REGULATORY ACTIVITY

Fuel Options for Ozone Control. LDEQ is preparing a revision to the SIP that will specify emission reduction control strategies to improve the overall air quality in Louisiana. The Department is considering requiring the use of low RVP gasoline either statewide or locally to improve ozone levels in the 5-parish Baton Rouge ozone nonattainment area. The Department also is considering increasing air quality permitting offsets in the area. A public hearing has been held and the comment period is closed. *For further information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

Nitrogen Oxides (NOx) Reasonably Available Control Technology (RACT) for Ozone Control. LDEQ is preparing a revision to the SIP that will specify emission reduction control strategies so that Louisiana can comply

with the ozone NAAQS. The Department is considering the following options to reduce NOx: (1) a NOx RACT rule similar to equal to the LDEQ Rule promulgated as LAC 33:III.Chapter 22, (2) a NOx Emissions Cap and Trade Rule (following U.S. EPA's proposed rule format published in the *Federal Register* on 18 January 2000), and (3) remove the Clean Air Act Section 182(f) exemptions(s) and/or if exemption removed, then specify a higher offset ratio in lieu of Lowest Achievable Emission Rate (LAER) for NOx New Source Review. LDEQ also is considering different geographical areas for applicability of these options. Comments are due no later than 4:30 p.m. on 30 November 2000. Should the Department propose a rule to implement a NOx RACT Rule (including geographical areas of applicability) or a NOx Emissions Cap and Trade Rule, the public will have an additional opportunity to comment during the rulemaking process. *For more information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

Counsel Comment: This proposal is necessary because Louisiana experienced many days of elevated ozone levels this summer. Therefore, identification and promulgation of regulations to implement emission reduction controls is necessary by 15 August 2001. LDEQ is considering four options to reduce NOx – these include both controls on a statewide basis and controls required for different geographical areas of applicability. LDEQ is requesting all interested parties to submit information and comments regarding options for NOx reductions and geographical applicability.

Revisions to Air Quality Permitting Offset Ratios. LDEQ is preparing an Ozone SIP to bring the 5-parish Baton Rouge ozone nonattainment area into ozone attainment for the one-hour ozone NAAQS. Under consideration are emission reductions at point sources (industrial facilities), area sources (small businesses), and mobile sources (automobiles). Specifically, the Department is considering increasing air quality permitting offsets in these parishes from a ratio of 1.2:1.0 to a ratio of 1.3:1.0. The provision (LAC 33:III.504.Table 1) that allows 1.3:1.0 internal offsets in place of LAER would be removed. The comment period has closed. *For more information, please contact Patsy Deaville, LDEQ, at (225) 765-5095.*

Reduction in Emission of Volatile Organic Compounds for Ozone Control. LDEQ is preparing a revision to the SIP that will specify emission reduction control strategies so that Louisiana can comply with the NAAQS. The Department is considering statewide applicability of several VOC rules, including LAC 33:III.2103 (storage of VOCs); Section 2109 (oil/water – separation); Section 2115 (waste gas disposal); Section 2122 (fugitive emission control for ozone nonattainment areas); Section 2123 (organic solvents); Section 2151 (limiting VOC emissions from cleanup solvent processing); and Section 2153 (limiting VOC emissions from industrial wastewater). Comments are due no later than 4:30 p.m. on 15 December 2000. Should LDEQ propose a rule to implement new or revised existing VOC controls, the public will have an additional opportunity to comment during the rulemaking process. *For more information, please contact Patsy Deaville, LDEQ, at (225) 765-0379.*

Counsel Comment: This proposal is necessary because Louisiana experienced many days of elevated ozone levels this summer. Therefore, identification and promulgation of regulations to implement emission reduction controls is necessary by 15 August 2001. LDEQ is requesting all interested parties to submit information to the Department for consideration prior to rulemaking. LDEQ would like responders to address the following questions: (1) What are the expected environmental benefits and/or disbenefits of the rule options under consideration? (2) What is the potential manufacturing/retrofit/new control equipment costs for the rules under consideration? and (3) What should be the geographic applicability areas for the options under consideration if not statewide?

OTHER REGULATORY ACTIVITY

Clarification of Accident Prevention Rules (LAC 33:III.5902). LDEQ is planning to revise its rules regarding the chemical accident prevention program. The purpose of the proposal will be to clear up vagueness that exists in current federal rules and policy regarding the co-location of toxics. The proposal will control situations in which the release of a toxic substance may create the danger or release from an adjacent vessel. A proposal is expected in early 2001. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

Creation of Voluntary Cleanup Rule (LAC 33:VI.Chapter 9). LDEQ is developing rules to implement the Voluntary Investigation and Remedial Action Law (Act 1092 of 1995). The rules will provide a mechanism for individuals to voluntarily remediate contaminated properties and receive from the state a release from liability for past contamination in the form of a Certificate of Completion. The release would also apply to future owners of the property. The Department expects to publish a proposal by the end of the year. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

Adoption of Federal Small Quantity Generator Classification Scheme (LAC 33:V). LDEQ is planning to make Louisiana's classification scheme and hazardous waste management requirements for small quantity generators equivalent to federal requirements. Generators of less than 100 kilograms per month will be considered conditionally exempt small quantity generators and will no longer have to pay the \$50 generator fee. A proposal is expected to be published in early 2001. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

Used Oil Recycling (LAC 33:VII.Chapter 107). LDEQ is developing a rule to establish a broad identification program for used oil collection sites, which would set minimum reporting standards and would provide for the awarding of funds to local governments to establish local used oil collection programs. The Department had decided to discontinue work on this proposal due to organizational changes within the Department and pending legislation on the issue. The Department has begun working on this issue again. A proposal is expected in early 2001. *For further information, please contact John Rogers, LDEQ, at (225) 765-0249.*

Phase II Louisiana Pollutant Discharge Elimination System (LPDES) Streamlining (LAC 33:IX.Chapter 23). LDEQ is developing revisions to streamline the LPDES program in the state regulations in accordance with the streamlining efforts of the U.S. EPA. The proposal will eliminate redundant regulatory language, provide clarification, and remove or streamline unnecessary procedures that do not provide any environmental benefits. A proposal is expected by the end of the year. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

Standards for the Use or Disposal of Sewage Sludge (LAC 33:IX.Chapter 23.Subchapter X). LDEQ is developing a rulemaking that would establish standards for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in a treatment works. The standards will consist of general and other requirements, pollutant limits, management practices, and operational standards. Standards are included for sludge applied to land or incinerated. The Department intends to publish a proposal by the end of the year 2000. *For further information, please contact Cheryl Flory, LDEQ, at (225) 765-0395.*

NEW MEXICO

Legislative/Regulatory Activity

STATE OF NEW MEXICO FINAL RULE

Revisions to Water Quality Standards (20 New Mexico Administrative Code [NMAC} 6.1). The New Mexico Environment Department (NMED) has adopted a segment-specific numeric standard for dissolved oxygen for the Santa Fe River in segment 2110. The effective date of this rule was 12 October 2000. *For more information, please contact Steven Pierce, NMED, at (505) 827-2800.*

STATE OF NEW MEXICO PROPOSED RULE

Construction Permit Public Participation Revisions (20 NMAC 2.72). NMED is proposing revisions to its rules governing air construction permits. The revisions will provide more effective public notice and public participation, and will allow greater flexibility in the review and issuance of construction permits. The revisions are being proposed in response to a petition from the Industrial Working Group. A public hearing will be held 9 November 2000, and written comments will be accepted until that date. *For more information, please contact Haywood Martin at (505) 827-2797.*

OTHER REGULATORY ACTIVITY

2000-2002 303(d) List. The Water Quality Control Commission passed a motion to not formally approve the 2000-2002 State of New Mexico 303(d) list at its 8 August 2000 meeting.

STATE OF OKLAHOMA FINAL RULE

Alternative Incinerator Design Requirements (Oklahoma Administrative Code [OAC] 252:100-17).

The Oklahoma Department of Environmental Quality has adopted revisions to its incinerator rules. A new section, Alternative incinerator design requirements, clarifies that the division may approve incinerator designs that do not meet the otherwise specified requirements. The rule has been adopted on an emergency basis effective 24 July 2000 to 14 July 2001. *For further information, please contact Cheryl Bradley, ODEQ, at (405) 702-4179.*

STATE OF OKLAHOMA PROPOSED RULES

Re-Write/De-Wrong of Sulfur Emission Rules (OAC 252:100-31). ODEQ is proposing revisions to Subchapter 31, relating to sulfur emissions. The revisions will be made as part of the Department's re-write/de-wrong initiative. Five substantive revisions are proposed: (1) out-of-date testing procedures for ambient hydrogen sulfide will be revoked; (2) a section pertaining to new sulfuric acid plants will be revoked; (3) the averaging time for ambient hydrogen sulfide concentration will be changed from 30 minutes to one hour; (4) the standards for new petroleum and natural gas processes will be revised; and (5) all subsections requiring maximum averaging testing will be replaced with a time-based average. A public hearing has been held and the comment period is closed. *For further information, please contact Michelle Martinez, ODEQ, at (405) 702-4100.*

Re-write/De-wrong of Fugitive Dust Rules (OAC 252:100-29). ODEQ is proposing to make revisions to Subchapter 29, relating to fugitive emissions. The revisions will be made as part of the Department's re-write/de-wrong initiative. One substantive change is proposed to make the rule more enforceable by deleting the qualification that the fugitive dust be emitted to such an extent as to be classified as air pollution before precautions are required. A public hearing has been held and the comment period is closed. *For further information, please contact Michelle Martinez, ODEQ, at (405) 702-4100.*

Adoption of Federal Maximum Achievable Control Technology (MACT) Standards (OAC 252:100-41). ODEQ is proposing to incorporate federal MACT standards adopted from 1 July 1999 to 1 July 2000. These include 40 CFR 63, Subparts EEE, OOO, RRR and VVV. The Department also is incorporating by reference the federal NESHAPs through 1 July 2000. A public hearing has been held and the comment period is closed. *For further information, please contact Cheryl Bradley, ODEQ, at (405) 702-4179.*

Adoption of Federal New Source Performance (NSP) Standards (OAC 252:100-4-5). ODEQ is proposing to update its incorporations by reference of the federal NSP Standards adopted from 1 July 1999 to 1 July 2000. These include standards of performance for Industrial-Commercial-Institutional Steam Generating Units, standards of performance for Municipal Solid Waste Landfills, and changes to test methods. A public hearing has been held and the comment period is closed. *For further information, please contact Michelle Martinez, ODEQ, at (405) 702-4100.*

Re-right/De-wrong of Pretreatment Regulations (OAC 252:623). ODEQ is proposing revisions to its pretreatment rules for central treatment trusts as part of its re-write/de-wrong initiative. The changes remove unenforceable rules and quotations statutes, simplify existing language, and delete phase in language where the dates have passed. A public hearing has been held and the comment period is closed. *For further information, please contact Shellie Chard, ODEQ, at (405) 702-8100.*

OTHER REGULATORY ACTIVITY

Triennial Review of Water Quality Standards. ODEQ is preparing to initiate its triennial review of the state's water quality standards. The Department does not have a timetable to publish any proposed amendments. Two informal meeting with interested parties have already been held to discuss possible revisions. *For more information, please contact Derek Smithee, ODEQ, at (405) 525-4700.*

STATE OF TEXAS PROPOSED RULE

Emergency Planning and Community Right-to-Know (25 Texas Administrative Code [TAC] 295.181 to 295.183). Regulations regarding emergency planning and community right-to-know would be amended under a rule proposed by the Department of Health. The affected regulations govern the requirements for facility operators to provide information about hazardous chemicals at their facilities to the Department of Health (DOH), local fire departments, and local emergency planning communities for the purposes of emergency planning and response and the public's right to know about hazardous chemicals in their communities. The proposal also would outline the information that must be provided by manufacturing facilities and the information and fees that must be provided by public employers and nonmanufacturing facilities. *For more information, please contact Claren Kotrla, DOH, Toxic Substances Control Division, at (512) 834-2448.*

OTHER REGULATORY ACTIVITY

Houston-Galveston SIP Revisions. TNRCC is in the process of responding to public comments on revisions to the Houston-Galveston Area's Attainment Demonstration SIP. The Commission's responses will be posted on TNRCC's web site by the end of November 2000. The Commission is expected to finalize the plan 6 December 2000 at a public hearing, and submit it to the U.S. EPA for approval.

Land Disposal Facility Rules (30 TAC 330). The rule amendments would implement new federal criteria pertaining to location restrictions and groundwater monitoring and corrective action requirements for construction-demolition landfills and other industrial nonhazardous waste land disposal facilities that may receive hazardous wastes from conditionally-exempt small quantity generators (CESQGs). Staff has determined that there is not a need for this rule as long as the U.S. EPA agrees that existing state rules prohibit the disposal of CESQG wastes in Type IV landfills and is therefore inventorying this project. The U.S. EPA has agreed verbally but a final determination (publication in the *Federal Register*) is pending.

Quadrennial Review of Chapter 114, Control of Air Pollution from Motor Vehicles (30 TAC 114). TNRCC has adopted a quadrennial review of Chapter 114, concerning the control of air pollution from motor vehicles, to determine if the need for the rules exist. The Commission preliminarily determined that the rules are needed and is planning no changes as part of this action. The effective date of this review was 29 September 2000. *For more information, please contact Jill Burditt, TNRCC, at (512) 239-0560.*

Quadrennial Review of Dams and Reservoirs Rules (30 TAC 299). TNRCC is proposing a quadrennial review of its rules governing dams and reservoirs. The Commission is not planning any changes to the rules. The comment period is closed. *For further information, please contact Michael Bame, TNRCC, at (512) 239-5658.*

REGION VII STATE ACTIVITY**Region VII State Agency Web Sites**

Iowa Department of Natural Resources	http://www.state.ia.us/government/dnr/index.html
Kansas Department of Health and Environment	http://www.kdhe.state.ks.us/
Missouri Department of Natural Resources	http://www.dnr.state.mo.us/homednr.htm
Nebraska Department of Environmental Quality	http://www.deq.state.ne.us/

STATE OF IOWA FINAL RULES

Water Quality Pretreatment Standard (Iowa Administrative Code [IAC] 60, 62 and 63). The Iowa Department of Natural Resources (IDNR) has adopted amendments to update references to federal effluent and pretreatment standards and associated analytical methods. References to federal effluent and pretreatment

standards found in rules 62.4(455B) and 62.5(455B) are amended to reflect updates to 40 CFR. The change to rule 60.2(455B) updates the definition of "Act" to include amendments to the Water Pollution Control Act through 1 July 2000. The change to subrule 63.1(1) updates the reference to the latest federally approved methods for the analysis of wastewater samples. This rule will be effective on 6 December 2000.

Methyl Tertiary Butyl Ether (MTBE) Sampling (IAC 135.19[3]). IDNR adopted as an emergency regulation a provision that indicates when sampling for MTBE is not required. The amendment adds new conditions under which owners and operators can stop analyzing for MTBE. MTBE analysis would no longer be required after it is not found in soil and groundwater samples during RBCA Tier 1, Tier 2 or Tier 3 assessments and ongoing monitoring. The emergency regulation was effective 29 September 2000. *For more information, please contact Jim Humeston, IDNR, at (515) 281-8957.*

STATE OF IOWA PROPOSED RULES

MTBE Sampling (IAC 135.19[3]). IDNR has proposed as a permanent amendment a provision that indicates when sampling for MTBE is not required. The amendment adds new conditions under which owners and operators can stop analyzing for MTBE. MTBE analysis would no longer be required after it is not found in soil and groundwater samples during RBCA Tier 1, Tier 2 or Tier 3 assessments and ongoing monitoring. The proposed amendment removed the expense of analyzing for MTBE after analysis shows it is not present at the site. Comments on the proposed amendment will be accepted until 7 November 2000. *For more information, please contact Jim Humeston, IDNR, at (515) 281-8957.*

Solid Waste Comprehensive Planning (IAC 101 and 109). Chapter 109, "Fees for Disposal of Solid Waste at Sanitary Landfills," has been incorporated into a new Chapter 101. These rules have been updated and streamlined to the benefit of the public. The guidance document, "Guidelines for Solid Waste Comprehensive Planning: Integrated Solid Waste Management Systems," has also been updated. Comments on the rule or accompanying guidance document will be accepted until 8 December 2000. *For more information, please contact Jane Mild, IDNR, at (515) 281-5105 or Laura Juliano, IDNR, at (515) 281-8946.*

OTHER REGULATORY ACTIVITY

Reorganize Landfill Rules and Require Landfill Gas Monitoring (567 IAC 101 to 103, 110, 111). IDNR is discussing reorganizing and updating the landfill rules, specifically landfill gas monitoring. The Department may require landfills to install gas monitoring wells out of concern for gas traveling to neighboring properties. The Department also may establish cap requirements for landfills. The Department does not have a timeline for rulemaking. *For further information, please contact Lavoy Haage, IDNR, at (515) 281-4968.*

Solid Waste Comprehensive Plan (567 IAC 100 and 101). IDNR is discussing updates to the solid waste comprehensive plan. Updates include rules for disposal of farm waste (Chapter 101). Other rules will be rescinded or moved to Chapter 100. The Department does not have a timeline for rulemaking. The complete proposals can be found at <http://www.iowadnr.wmad.org/>. *For further information, please contact Jane Mild, IDNR, at (515) 281-5105.*

Counsel Comment: This proposed update has been developed during the current year with approximately 50 stakeholders meeting occasionally throughout the year. Public comments can be submitted until 8 December 2000. IDNR will be holding six workshops throughout the state to discuss both the proposals and a guidance document that accompanies the proposals. Interested parties can register online to attend a workshop. The main purposes of the proposals are to (1) incorporate the existing fee structure into the regulations – the proposal does NOT increase fees, though, (2) generally make the regulations more clear and more chronologically correct, and (3) define "initial plans" and "subsequent plans," in response to an earlier filed lawsuit.

Rules for Appliances (567 IAC 118). IDNR is discussing rules to establish a permit program for appliances because of concerns about mercury and polychlorinated biphenyl (PCB) components. The Department does not have a timeline for rulemaking. *For further information, please contact Lavoy Haage, IDNR, at (515) 281-4968.*

Counsel Comment: The first meeting of the Advisory Committee is scheduled for 15 November 2000. IDNR hopes to begin the formal rulemaking process by the middle of next year. At the moment, the permit process envisioned will require a permit for anyone processing old appliances. The processor will need to show both (1) proper training in the removal/recycling of capacitors, refrigerants and mercury, and (2) proper procedures for the same, including records.

Reorganize and Revise Land Application Waste Rules (567 IAC 120 and 121). IDNR is discussing land application waste rules. The Department is considering combining Chapters 120 and 121 into one chapter, and revising Chapter 121 to require permits for land farming of petroleum-contaminated soil. The Department does not have a timeline for rulemaking. *For further information, please contact Lavoy Haage, IDNR, at (515) 281-4968.*

Reinstate Old Rules for Opacity Standards. IDNR is considering reinstating the old rules for opacity standards. The Department also is considering developing a voluntary program for smoking tailpipes of gas and diesel engines. IDNR does not have regulations for mobile sources because Iowa is in attainment. The Department does not have a schedule for reinstatement or for developing the voluntary program. The proposed rule can be found at the following web site: <http://www.legis.state.ia.us/Rules/2000/iac/567iac/56723/56723526.pdf>. *For more information, please contact Sheri Walz, IDNR, at (515) 281-4927.*

Counsel Comment: The current rule is that no diesel engine can ever exceed 40 percent opacity for more than five consecutive seconds and that no gasoline engine can ever have VEs (uncombined water – e.g., steam – is not considered a VE). In the past, the state had a voluntary program where owners of cars observed with a “smoking” engine received a letter requesting the owner take action to correct the “smoking” engine. That program had a 70 percent success rate. The program was abandoned, however, because of lack of funding. The re-instated program is envisioned to have both an on-line procedure and a 1-800 number to report “smoking” engines.

IDNR Comprehensive Planning Workshops. If you are associated with solid waste planning you are encouraged to attend one of IDNR’s Comprehensive Planning Workshops in November and December 2000. Registrations, which may be done online, are due no later than 20 November 2000. *For more information, please contact Tammie Krausman, IDNR, at (515) 281-8382 or e-mail tammie.krausman@dnr.state.ia.us.*

KANSAS

Legislative/Regulatory Activity

STATE OF KANSAS FINAL RULE

Criteria Changes for Arsenic, Endrin and Ammonia (Kansas Administrative Rule 28-16-28b and 28-16-28e). KDHE adopted amendments to its water quality standards on 9 October 2000. The Department revised the definition of “background concentration” and adopted housekeeping changes of arsenic, endrin and ammonia standards. The amendments become effective 3 November 2000, although they cannot be implemented until approved by the U.S. EPA. The Department sent the amendments to U.S. EPA for approval, who has 60 days to approve and 90 days to disapprove the amendments. However, the U.S. EPA has not met those deadlines for the last three regulations. In accordance with Department policy, the existing standards were withdrawn at the time the Department approved the new standards. Until the U.S. EPA makes a decision, the Department is without water quality standards in the areas for which changes have been approved. If the amendments are approved by the U.S. EPA, KDHE anticipates implementing the amendments between the end of October and December 2000. Based on feedback from the U.S. EPA, the Department anticipates that the amendments will be approved. *For further information, please contact Steve Swaffar, KDHE, at (785) 296-5508.*

OTHER REGULATORY ACTIVITY

Revision to Medical Waste Rules. KDHE is considering several amendments to its solid waste rules regarding medical waste. The draft is being reviewed internally, and the Department has put off rulemaking for an indefinite period of time. *For further information, please contact George McCaskill, KDHE, at (785) 296-1606.*

Construction and Demolition Waste Landfills. KDHE is developing regulations for construction and demolition waste landfills. The regulations will cover all operational and permitting aspects. The regulations will not make many changes, but will set out the Department’s expectations of landfill owners and clarify requirements. The Department anticipates that the draft regulations will not be ready for a hearing until Spring 2001. The Department expects that the new regulations will be in effect by September 2001. *For further information, please contact George McCaskill, KDHE, at (785) 296-1606.*

Incorporation of Federal Air Rules. KDHE is planning to adopt federal rules promulgated between 1 July 1998 and 1 July 1999. The adoption would include changes to NSP Standards (including MSW landfills and steam generating units), NESHAPs and MACT standards. The draft rules must have executive approval before being

released for public comment. The Department needs more economic information before submitting a draft for approval. KDHE is not sure when a draft will be released for public comment; however, it could be any time November 2000 and Spring 2001. *For more information, please contact Ralph Kieffer, KDHE, at (785) 296-6428.*

MISSOURI

Legislative/Regulatory Activity

STATE OF MISSOURI FINAL RULE

Submission of Emission Data, Emission Fees and Process Information (10 Code of State Regulations [CSR] 6.110). MDNR has adopted amendments to its air rules regarding emission data, emission fees and process information. The amendments set the annual emission fees and remove the forms that were included at the end of the rule. The Department did not increase the fee of \$25.70 per ton of regulated air pollutant. The effective date of this rule is 30 November 2000. *For more information, please contact Jim Kavanaugh, MDNR, at (573) 751-4817.*

STATE OF MISSOURI PROPOSED RULE

Control of Emissions from Solvent Cleanup Operations (10 CSR 10-2.215). MDNR is proposing a rule that requires a 30% reduction in VOC emissions from solvent cleanup operations. The proposed rule applies to stationary sources at which cleaning solvent VOC emissions are 500 pounds per day or greater. The rule is part of the Kansas City Ozone Maintenance Plan. A public hearing will be held 7 December 2000, and comments are due 14 December 2000. The Air Conservation Commission will vote on the rule at its 6 February 2001 meeting. If the Commission adopts the rule, the action will be subject to U.S. EPA approval. *For further information, please contact Roger Randolph, MDNR, at (573) 751-4817.*

NEBRASKA

Legislative/Regulatory Activity

STATE OF NEBRASKA PROPOSED RULE

Designate a New Intrastate Air Quality Control Region (Title 129, Chapter 3, Section 001). The Nebraska Department of Environmental Quality (NDEQ) is proposing to designate a new intrastate air quality control region including the counties of Platte, Colfax, Polk, Butler and all subdivisions within those counties. The Environmental Quality Council voted to approve the rulemaking petition 1 June 2000, and the petition is now pending executive review. *For more information, please contact Shelley Kaderly, NDEQ, at (402) 471-2186.*

OTHER REGULATORY ACTIVITY

Updates and Corrections to Hazardous Waste Rules. NDEQ is drafting updates to its hazardous waste rules. The Department will make technical amendments and clarifications to its universal waste rule, post-closure rule, organic air emissions standards, and Phase IV land disposal restrictions. For its oil and grease and non-polar material analysis method rule, the Department will replace freon with hexane and amend the test procedures. NDEQ also is planning to adopt the federal rules for hazardous waste lamps, HWIR remediation rule, and accumulation time for electroplating sludges (F006). The most recent changes to the hazardous waste rules were effective 27 May 2000. The Department will publish a public notice on 7 November 2000 for Environmental Quality Council hearings on 7 and 8 December 2000. The Department expects the changes to be effective in the Summer of 2001. *For more information, please contact Mark Podany, NDEQ, at (402) 471-4265.*



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